Pacific Telephone and Telegraph Company *and* Communications Workers of America, AFL-CIO, Local 9404. Cases 20-CA-15348 and 20-CA-15349

July 20, 1982

DECISION AND ORDER

BY CHAIRMAN FANNING AND MEMBERS JENKINS, ZIMMERMAN, AND HUNTER

On February 13, 1981, Administrative Law Judge Jay R. Pollack issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief, the General Counsel filed cross-exceptions and a supporting brief, and Respondent filed an answering brief in support thereof.

The Board has considered the record and the attached Decision in light of the exceptions and briefs and has decided to affirm the rulings, findings,[1] and conclusions[2] of the Administrative Law Judge and to adopt his recommended Order.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge and hereby orders that the Respondent, Pacific Telephone and Telegraph Company, Greenbrae, California, its officers, agents, successors, and assigns, shall take the action set forth in the said recommended Order.

[1] Respondent and the General Counsel have excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an administrative law judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. *Standard Dry Wall Products, Inc.*, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing his findings.

[2] In the instant case, the Administrative Law Judge found that Respondent met its burden of proving that the decision to discipline the employees in question was not based upon information obtained at the unlawful interview and therefore declined to order a "make whole" remedy. The General Counsel excepted to this finding, contending that the Employer's decision to discharge the employees in question was based on information learned during the course of the unlawful interviews, specifically, the employees inability to satisfactorily explain the improper use of company equipment. We agree with the Administrative Law Judge.

In so doing, we note that on a prior occasion, in a narrow factual setting, the Board found that a make-whole remedy was appropriate because discipline was based not on the subject under investigation, but on the employee's failure at the interview to furnish a "satisfactory explanation." *Ohio Masonic Home*, 251 NLRB 606 (1980). However, that decision does not suggest that anytime an employee fails to offer a satisfactory explanation during an unlawful interview reinstatement is required under our decision in *Kraft Foods, Inc.*, 251 NLRB 598 (1980). In this case, we are satisfied that the discharges were based on information other than that obtained during the unlawful interviews.

MEMBER JENKINS, concurring in part and dissenting in part:

I concur in the Administrative Law Judge's finding that Respondent violated Section 8(a)(1) of the Act when it denied employees Martinez and Revada the right to prior consultation with their union representative before participating in the investigatory interview with Respondent.

In light of my dissent in *Kraft Foods, Inc.*,[3] and the facts existing in the instant case, I cannot agree with my colleagues' failure to find that a "make-whole remedy" for these employees is appropriate. The record shows that Respondent's supervisor, Susan King, had two purposes in mind when she conducted the unlawful interviews: to suspend the two employees pending further investigation and to discover whether the employees could explain the misuse of the Company's equipment. Moreover, King admitted that her recommendation that the two employees be discharged was made after she conducted the unlawful interviews and was based on several factors, and it appears she relied on as the most significant factor the employees' failure to produce a satisfactory explanation of what happened. Further, I am in agreement with the General Counsel that this factor was reflected in the severity of Respondent's discipline of Martinez and Revada. Respondent's past practice shows that it only suspended, rather than discharged, employees for this kind of misuse of equipment when Respondent believed that the accused employees were being cooperative and candid. In this instant matter, Respondent believed that Martinez and Revada were being less than candid, a belief which may well have resulted from Respondent's unlawful denial to them of consultation with their union representative.

Because I do not subscribe to the decision in *Kraft Foods*, I reject my colleagues' view that this case substantially differs from *Ohio Masonic Home*,[4] since in both cases Respondent affirmatively relied on the employees' inability to offer a satisfactory explanation. Accordingly, I would find that the decision to discharge these two employees, flowing from an unlawful interview, was tainted, and in accordance with *Ohio Masonic Home*, a make-whole remedy is appropriate.

MEMBER HUNTER, dissenting:

For the reasons expressed in my dissent in *Pacific Telephone and Telegraph Company*,[5] I would find merit in Respondent's exceptions to the Administrative Law Judge's finding that it unlawfully re-

[3] 251 NLRB 598 (1980).

[4] 251 NLRB 606 (1980).

[5] 262 NLRB 1048 (1982).

fused to allow employees Martinez and Revada to consult with their union representatives prior to their investigatory interviews. Thus, since I believe there is no statutory right to prior consultation, and since it is clear that the employees were assisted during their interviews by knowledgeable union representatives, I would find that Respondent conducted lawful interviews in accordance with the employees' *Weingarten* rights. Accordingly, I would dismiss the complaint in its entirety.[6]

[6] In view of my dissent herein, I find it unnecessary to address the issue of the appropriateness of a make-whole remedy in the instant case.

DECISION

STATEMENT OF THE CASE

JAY R. POLLACK, Administrative Law Judge: This case was heard before me in San Francisco, California, on November 20, 1980.[1] On June 27, the Regional Director for Region 20 of the National Labor Relations Board issued a consolidated complaint and notice of hearing, based on unfair labor practice charges filed by Communications Workers of America, AFL-CIO, Local 9404, herein called the Union, on May 13. The complaint alleges that Pacific Telephone and Telegraph Company, herein called Respondent, violated Section 8(a)(1) of the National Labor Relations Act, as amended, herein called the Act.

The parties have been offered full opportunity to appear, to introduce evidence, to examine and cross-examine witnesses, and to file briefs. Post-trial briefs were filed on behalf of the General Counsel and Respondent. Based on the entire record, on the briefs filed by counsel, and on my observation of the demeanor of the witnesses, I make the following:

FINDINGS OF FACT AND CONCLUSIONS

I. JUIRISDICTION

At all times material herein, Respondent has been a California corporation with an office and place of business in Greenbrae, California, engaged in the operation of a telephone and telegraph system. During calendar year 1979, Respondent derived gross revenues in excess of $100,000 from the operation of its telephone system. During the same time period, Respondent purchased and received at its Greenbrae, California, facility goods and materials valued in excess of $5,000 directly from suppliers located outside the State of California.

The complaint alleges, the answer admits, and I find that Respondent has been at all times material herein, an employer engaged in commerce and in a business affecting commerce within the meaning of Section 2(2), (6), and (7) of the Act.

[1] Unless otherwise stated, all dates hereinafter refer to calendar year 1980.

II. THE LABOR ORGANIZATION

The complaint alleges, the answer admits, and I find that the Union has been, at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.

III. THE ALLEGED UNFAIR LABOR PRACTICES

A. *Background*

As discussed above, Respondent is engaged in the operation of a telephone system. The Union represents Respondent's employees at its facility located at Greenbrae, California, referred to in the record as the Larkspur TSPS.[2] This case arises out of investigatory interviews involving two employees at the Larkspur TSPS: Helena Martinez and Betty Revada.

On May 5, Respondent experienced a problem with certain equipment involved in its Traffic Service Position System, covering four offices, including the Larkspur TSPS. Pat Shoemaker, a facilities manager for Respondent, began an investigation to determine the reason for the problems in the system. In the course of Shoemaker's investigation, she discovered, *inter alia*, that two calls involving operator positions at the Larkspur TSPS were tying up needed equipment. Shoemaker called the Larkspur TSPS and had the equipment released back into the system. Shoemaker also called Rae Morgan, the supervisor on duty at the Larkspur TSPS that evening, and asked Morgan to prepare a list of the operators on duty at the time of the two calls in question.

On May 6, Susan King, then manager of operator services at the Larkspur TSPS, called Shoemaker to ascertain the details concerning the problem of the previous evening. Shoemaker advised King that two questionable calls involving the Larkspur TSPS had tied up equipment in the system. Shoemaker told King that the calls appeared to represent billable calls for which no biling charge was indicated. Shoemaker referred to each call as "traffic busy," from which King incorrectly inferred that Shoemaker had confirmed that conversation had taken place. Shoemaker provided King with the information that one call was placed at 8:15 p.m., involving a local number and a number in central California and the other call involved was placed at 8:42 p.m., involving a local number and a number in Hawaii.

At her discussion with Shoemaker, King compared the local numbers with a list of numbers of employees at the Larkspur TSPS. Thus, King learned that the number involved in the call to central California was Martinez' home phone number and that the number involved in the call to Hawaii was Revada's home phone number. King then checked the list of operators on duty prepared by Morgan and found that both Martinez and Revada were on duty when the subject calls were placed.

Based on the above information, King determined to interview both Martinez and Revada to ascertain what information they could provide to explain what appeared to be unauthorized use of Respondent's equipment. Before conducting such interviews, King called Bernard

[2] TSPS stands for Traffic Service Position System.

Chiaravalle, president of the Union, and advised him of the two questionable phone calls. King at first refused to identify the employees involved but was persuaded by Chiaravalle to do so. King told Chiaravalle that the phone numbers involved were that of Martinez and Revada and that both were on duty at the time the calls were placed. King mistakingly believed that conversation was confirmed and so she also relayed that information to Chiaravalle. Further, King told Chiaravalle that she would be suspending both employees pending further investigation. The further investigation included interviewing Martinez that same day, and interviewing Revada when Revada returned from her day off. King requested Chiaravalle's assistance in ensuring that union stewards would be present for the interviews. Chiaravalle agreed to contact the stewards.

It is the conduct of the investigatory interviews which gives rise to the instant case. The complaint alleges that Respondent violated the Act by refusing to allow Martinez and Revada consultation with a union steward prior to conducting the investigatory interviews. Further litigated was the issue of whether Respondent's subsequent decision to discharge Martinez and Revada was based on information obtained at the allegedly unlawful interviews.

B. *The Investigatory Interviews*

As discussed above, King, based on information that improper calls had been placed from the Larspur TSPS involving Martinez' and Revada's home phones, decided to suspend these employees pending further investigation. King advised the Union of the forthcoming investigatory interviews and sought assistance in obtaining the presence of a union steward. At 5 p.m. on May 6, shortly after King called Chiaravalle,[3] she met with Christina Opaso, union steward. King asked Opaso whether Chiaravalle had advised her about Martinez' interview. Opaso stated that he had not. King then told Opaso that she would be suspending Martinez because of the improper call involving Martinez' home phone. Opaso asked to speak with Martinez prior to the meeting so that she could advise the employee. King answered that Opaso could not do so prior to the interview but could do so afterwards.

King, Opaso, and Martinez then met in a conference room. Martinez asked, "[W]hat's going on?" Before King could answer, Opaso said, "I just want you to know that I feel that I cannot adequately represent this employee without first having time to discuss their rights with them and go over things with them before we go into the discussion." Martinez indicated her agreement with that request.[4] King answered that Opaso was there as a witness and that was all that was required. King then told Martinez that during the previous evening, in investigating equipment trouble, Respondent had discovered a questionable phone call involving her home number. King asked Martinez if she had any explanation and Martinez answered that she did not know anything about it. King asked if anyone had access to Martinez' home telephone and Martinez asnwered yes. King asked for the name of persons with access to Martinez' telephone. Opaso told Martinez that she did not have to answer any questions "that made her feel uncomfortable." Martinez then stated that she would rather not answer King's question. King ended the meeting by telling Martinez that she was suspended pending investigation. King permitted Opaso and Martinez to meet privately and then escorted Martinez out of the building.

After the conclusion of the Martinez interview, King met briefly with Opaso and told the steward of her intention to interview Revada the next morning. Roxanna Ferris, another union steward, was subsequently assigned to represent Revada at her interview. Ferris was told of this assignment by Opaso either on the evening of May 6 or the morning of May 7. When Ferris arrived at King's office, King asked whether Opaso had briefed Ferris regarding the interview. When Ferris answered that Opaso had not, King explained that she would be suspending Revada because of a questionable call involving Revada's home phone on the evening of May 5. Ferris asked to meet privately with Revada prior to the interview. At the outset of the meeting with Revada, Ferris again asked King if she could speak privately with Revada and King answered that she could not.[5] Ferris then said that she felt that she could not properly represent Revada without first speaking with her. Ferris told Revada that the employees did not have to say anything or answer any questions that she was uncomfortable with. King explained to Revada that a questionable call had tied up equipment during the evening of May 5. King told Revada that the call involved the employee's home phone number and a number in Hawaii. Revada was asked what she knew about the incident and she said she did not know anything about it. King asked if anyone else had access to her telephone and Revada laughed and said, "a lot of people do." Revada was asked if she had any further information that could help and she answered that she did not. King then suspended Revada pending investigation and agreed to call Revada and inform her of the outcome of the investigation. At the conclusion of the meeting, King permitted Revada and Ferris to meet privately before she escorted Revada out of the building.

C. *The Discharge*

On the afternoon of May 8 or on the morning of May 9, King recommended to her supervisor, Sandy Breaum, that Martinez and Revada be dismissed. King testified that she based her decision on the fact that the questionable calls had been placed from the Larkspur TSPS to Martinez' and Revada's home numbers, at times when Martinez and Revada were on duty as operators. She concluded that Martinez and Revada had each placed a

[3] Although there is conflicting testimony regarding the time of the conversation between King and Chiaravalle, it is undisputed that Chiaravalle was unable to contact Opaso prior to 5 p.m.

[4] There is conflicting testimony as to whether Martinez expressed her desire to speak with Opaso. However, as there is no dispute that Martinez nodded her approval, there is no reason to resolve the conflict in testimony.

[5] Revada testified that she did not say anything in regard to Ferris' request but that she nodded her head in approval.

call which misused company equipment and her own time. King testified that she decided on discharge as the penalty, rather than suspension, based on the fact that the calls involved were to numbers outside the area code. On May 12, Martinez was informed that she was dismissed for misuse of company time and equipment. King called Revada and told her of her discharge on May 10.

The General Counsel and the Charging Party contend that, had the employees been granted consultation with their union stewards prior to the interviews, they would not have denied knowledge of the subject calls. Further, the General Counsel and the Charging Party contend that had the employees not denied knowledge of the subject calls they would have been suspended but not discharged. To this end, Chiaravalle testified that three employees, not operators, were suspended but not terminated for having made free telephone calls. Each of these three employees had told the truth upon being questioned about the subject calls. Further, Chiaravlle and Revada both testified that in May, an operator, who was initially terminated for making free calls, was reinstated 3 weeks later. Finally, Chiaravalle testified that two operators who were terminated for committing similar violations had both lied about the events to Respondent's officials.

There is no evidence, however, that any of the incidents recited by Chiaravalle involved employees supervised by King. King denied that either Martinez' or Revada's conduct as the subject interviews played any part in the decision to discharge them. She further testified that even if Martinez or Revada had admitted wrongdoing it would not have changed her recommendation to discharge them.

D. *Analysis and Conclusions*

The General Counsel and the Charging Party contend that Respondent violated Section 8(a)(1) of the Act by denying Martinez and Revada the right to consult with their union representatives prior to the commencement of the subject disciplinary interviews. Respondent contends that Martinez and Revada were each assisted by a knowledgeable steward and, therefore, that the employees' rights under *Weingarten*[6] were not violated.

In *Weingarten*, the Supreme Court upheld the Board's determination that, under Section 7 of the Act, an employee has the right to insist on the presence of a union representative at an interview which the employee reasonably believes might result in disciplinary action. The critical issue herein is whether the right to the presence of a union representative at a *Weingarten* interview includes the right to prior consultation with the union representative.

In *Climax Molybdenum Company, a Division of Amax, Inc.*, 227 NLRB 1189 (1977), the Board held that the right to union representation clearly embraced the right to prior consultation. The Board stated at 1190:

> Surely, if a union representative is to represent effectively an employee "too fearful or inarticulate to relate accurately the incident being investigated" and is to be "knowledgeable" so that he can "assist the employer by eliciting favorable facts, and . . . getting to the bottom of the incident," these objectives can more readily be achieved when the union representative has had an opportunity to consult beforehand with the employee to learn his version of the events and to gain a familiarity with the facts. Additionally, a fearful or inarticulate employee would be more prone to discuss the incident fully and accurately with his union representative without the presence of an interviewer contemplating the possibility of disciplinary action. These considerations indicate that the representative's aid in eliciting the facts can be performed better, and perhaps only, if he can consult with the employee beforehand. To preclude such advance discussion, as our colleagues would, seems to us to thwart one of the purposes approved in *Weingarten*. Nothing in the rationale of *Weingarten* suggests that, in its endorsement of the role of a "knowledgeable union representative," the Supreme Court meant to put blinders on the union representative by denying him the opportunity of learning the facts by consultation with the employee prior to the investigatory-disciplinary interview. Knowledgeability implies the very opposite. The right to representation clearly embraces the right to prior consultation [at 1190].

Further, in *Climax*, the Board held that the union's request for prior consultation was sufficient to invoke the right.[7]

The United States Court of Appeals for the Tenth Circuit denied enforcement of the Board's Order.[8] First, the court found that *Weingarten* required that the *employee* must request representation and at no time did the two employees in *Climax* request that a union representative be present. Further, neither employee ever manifested an interest in consulting with his union representative prior to the investigatory interview.[9]

Secondly, the court found that the Board's holding would run contrary to the admonition in *Weingarten* that the right of union representation may not interfere with legitimate employer prerogatives. Accordingly, the court held that an employer is under no obligation to accord the employee subject to an investigatory interview with consultation with his union representative on company time if the interview date otherwise provides the employee adequate opportunity to consult with union representatives on his own time prior to the interview. The court added, however, that *Weingarten* requires that the

[6] *N.L.R.B.* v. *J. Weingarten, Inc.*, 420 U.S. 251 (1975).

[7] The Board has apparently reversed this aspect of *Climax*. In *Appalachian Power Company*, 253 NLRB 931 (1980), the Board affirmed, without comment, an administrative law judge's holding that a union could not invoke an employee's *Weingarten* right to representation. This issue need not be reached in the instant case as Martinez and Revada each clearly indicated, to King, her agreement with the request made by her union representative.

[8] 584 F.2d 360 (1978).

[9] It must be noted that the two employees in *Climax* had 17-1/2 hours between the time they were advised of the pending investigation and the time it took place but did not consult with their union representative during such time.

employer set investigatory interviews at such a future time and place that the employees will be provided the opportunity to consult with his representatives in advance thereof on his own time.

The Board has not addressed this issue since the Tenth Circuit's opinion in *Climax*. Thus, I am constrained to apply the Board's decision in *Climax* to the instant case.[10]

Here there is no question that Martinez and Revada had reasonable cause to believe that the subject interviews might result in disciplinary action. Respondent made provision for the presence of a union representative. The critical question is whether the employees had a right to consult with their representatives prior to the interview. The Board has decided in *Climax* that the right of representation includes the right to prior consultation. Accordingly, I find that Respondent violated Section 8(a)(1) of the Act by refusing to permit Martinez and Revada to consult with their union representatives prior to the subject investigatory interviews which they reasonably believed might result in disciplinary action.

THE REMEDY

In *Kraft Foods, Inc.*, 251 NLRB 598 (1980), the Board announced the following test for determining the appropriate remedy for an employer's violation of an employee's *Weingarten* rights. First, the General Counsel must make *prima facie* showing that a make-whole remedy[11] is warranted. The General Counsel satisfies this burden by proving that the employer conducted an investigatory interview in violation of *Weingarten* and that the employee whose *Weingarten* rights were violated was subsequently disciplined for conduct which was the subject matter of the unlawful interview.

Second, the burden shifts to the employer to demonstrate that its decision to discipline the employee in question was not based on information obtained at the unlawful interview. Third, the Board stated that the burden on the employer in cases of this type is in the nature of an affirmative defense. Thus, the ultimate burden of proof is on the employer to establish this affirmative defense.

Applying the principles of *Kraft Foods* to the instant case, it is clear that the General Counsel has established a *prima facie* case for a make-whole remedy. The General Counsel has shown that Respondent conducted unlawful interviews with Martinez and Revada and that the employees were later discharged for conduct which was the subject of the unlawful investigatory interviews. I also find that Respondent has met its burden in rebutting the *prima facie* case by showing that the decision to discharge Martinez and Revada was not based on any information obtained at the unlawful interviews. Martinez and Revada were discharged because they misused company equipment and company time. The information on which this decision was based had been known to Respondent prior to the interviews. No further information was obtained by Respondent at the unlawful interviews and there is no evidence on which to find that the employees were discharged because they did not provide information at the interview.

The General Counsel and the Charging Party contend that the employees were discharged, rather than suspended, based on their failure to admit wrongdoing at the subject interviews. Such a contention requires that I make two suppositions: (1) that the employees would have conducted themselves differently had they been permitted consultation with their stewards, and (2) that Respondent would have dispensed lesser discipline based on such conduct. I cannot engage in such speculation. Rather, I find in accordance with King's testimony that the determining factor with regard to the degree of discipline was the nature of the telephone calls involved. King decided on discharge because long-distance, rather than local, calls were involved. There is a business justification for such a decision and it would be inappropriate for me to second guess Respondent. Therefore, I find that Respondent has sustained its burden of proving that its decision to discharge Martinez and Revada resulted from their suspected wrongdoing on the evening of May 5 and not from their conduct at the unlawful interviews. Accordingly, I will recommend a cease-and-desist remedy for Respondent's violation of Section 8(a)(1) but will not recommend a make-whole remedy.

CONCLUSIONS OF LAW

1. Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The Union is a labor organization within the meaning of Section 2(5) of the Act.

3. Respondent has engaged in unfair labor practices within the meaning of Section 8(a)(1) of the Act by refusing to permit employees Helena Martinez and Betty Revada to consult with their union representatives prior to investigatory interviews which they reasonably believed might result in disciplinary action.

4. The unfair labor practices specifically found above are unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act.

Upon the foregoing findings of fact and conclusions of law and the entire record herein and pursuant to Section 10(c) of the National Labor Relations Act, as amended, I hereby issue the following recommended:

ORDER[12]

The Respondent, Pacific Telephone and Telegraph Company, Greenbrae, California, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

[10] It is well settled that it is the duty of an administrative law judge "to apply established Board precedent which the Supreme Court has not reversed." *Los Angeles New Hospital*, 244 NLRB 960, 962 at fn. 4 (1979), citing *Iowa Beef Packers, Inc.*, 144 NLRB 615, 616 (1965).

[11] *E.g.*, reinstatement, backpay, and expungement of all disciplinary records.

[12] All outstanding motions inconsistent with this recommended Order hereby are denied. In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

(a) Refusing to permit employees to consult with their union representatives prior to investigatory interviews which they reasonably believe might result in disciplinary action.

(b) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of their rights guaranteed under Section 7 of the Act:

2. Take the following affirmative action to effectuate the purposes of the Act:

(a) Post at its facility in Greenbrae, California, copies of the attached notice marked "Appendix."[13] Copies of said notice, on forms provided by the Regional Director for Region 20, after being duly signed by Respondent's representative, shall be posted by Respondent immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to ensure that said notices are not altered, defaced, or covered by any other material.

(b) Notify the Regional Director for Region 20, in writing, within 20 days from the date of this Order, what steps Respondent has taken to comply herewith.

[13] In the event that this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

After a hearing at which all sides had an opportunity to present evidence and state their positions, the National Labor Relations Board found that we have violated the National Labor Relations Act, as amended, and has ordered us to post this notice.

The Act gives employees the following rights:

To engage in self-organization
To form, join, or assist any union
To bargain collectively through representatives of their own choice
To engage in activities together for the purpose of collective bargaining or other mutual aid or protection
To refrain from the exercise of any or all such activities.

WE WILL NOT refuse to permit employees to consult with their union representatives prior to investigatory interviews which they reasonably believe might result in disciplinary action.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of their rights guaranteed under Section 7 of the Act.

PACIFIC TELEPHONE AND TELEGRAPH COMPANY